

## SENATE BILL NO. 221

INTRODUCED BY M. TROPILA, LAIBLE, MCGEE

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING COMPANION ANIMAL HOARDING IN THE OFFENSE OF CRUELTY TO ANIMALS; PROVIDING THAT A PERSON CONVICTED OF COMPANION ANIMAL HOARDING ~~MAY~~ MUST, IN ADDITION TO PENALTIES, BE REQUIRED TO UNDERGO EVALUATION AND TREATMENT WHEN CONSIDERED APPROPRIATE BY THE SENTENCING COURT; AND AMENDING SECTION 45-8-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 45-8-211, MCA, is amended to read:

**"45-8-211. Cruelty to animals -- exceptions.** (1) A person commits the offense of cruelty to animals if, without justification, the person knowingly or negligently subjects an animal to mistreatment or neglect by:

- (a) overworking, beating, tormenting, torturing, injuring, or killing the animal;
- (b) carrying or confining the animal in a cruel manner;
- (c) failing to provide an animal in the person's custody with:
  - (i) food and water of sufficient quantity and quality to sustain the animal's normal health;
  - (ii) minimum protection for the animal from adverse weather conditions, with consideration given to the species;
  - (iii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate medical care;
- (d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; ~~or~~
- (e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race; or
- (f) companion animal hoarding.

(2) (a) A person convicted of the offense of cruelty to animals shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of a second or subsequent offense of cruelty to animals, A FIRST OR SUBSEQUENT OFFENSE OF COMPANION ANIMAL HOARDING,

1 or of a first or subsequent offense of aggravated animal cruelty shall be fined an amount not to exceed \$2,500  
2 or be sentenced to the department of corrections for a term not to exceed 2 years, or both.

3 (b) If the convicted person is the owner, the person may be required to forfeit any animal affected to the  
4 county in which the person is convicted. This provision does not affect the interest of any secured party or other  
5 person who has not participated in the offense.

6 (c) For the purposes of this subsection (2), when more than one animal is subject to cruelty to animals,  
7 each act may comprise a separate offense.

8 (3) In addition to the sentence provided in subsection (2), the court:

9 (a) shall require the defendant to pay all reasonable costs incurred in providing necessary veterinary  
10 attention and treatment for any animal affected, including reasonable costs of care incurred by a public or private  
11 animal control agency or humane animal treatment shelter;

12 (b) may require the defendant to pay all reasonable costs of necessary care of the affected animal that  
13 are incurred by a public or private animal control agency or humane animal treatment shelter; ~~and~~

14 (c) shall prohibit or limit the defendant's ownership, possession, or custody of animals, as the court  
15 believes appropriate during the term of the sentence; and

16 (d) ~~may~~ SHALL, in a case of companion animal hoarding, order the convicted person to undergo a  
17 psychological or psychiatric examination and to undergo treatment, ~~at the person's expense~~, that the court  
18 considers appropriate after considering the results of the evaluation.

19 (4) This section does not prohibit:

20 (a) a person humanely destroying an animal for just cause;

21 (b) the use of commonly accepted agricultural and livestock practices on livestock;

22 (c) rodeo activities that meet humane standards of the professional rodeo cowboys association;

23 (d) lawful fishing, hunting, and trapping activities;

24 (e) lawful wildlife management practices;

25 (f) lawful scientific or agricultural research or teaching that involves the use of animals;

26 (g) services performed by a licensed veterinarian;

27 (h) lawful control of rodents and predators and other lawful animal damage control activities; or

28 (i) accepted training and discipline methods.

29 (5) As used in this section, the following definitions apply:

30 (a) (i) "Companion animal hoarding" occurs if all of the following elements exist:

(A) possession of ~~20~~ 10 or more companion animals or household pets;

(B) failure or inability to provide the necessary care for the animals in violation of subsection (1)(c); AND

(C) confining the animals in a severely overcrowded environment; and.

~~(D) inability to recognize or understand the nature of or having a reckless disregard for the conditions under which the animals are living and the deleterious impact those conditions have on the health and well-being of the animals and the owner.~~

(ii) The term does not include purebred animal breeding facilities or facilities for animals related to sanctioned endurance races UNLESS THE FACILITIES MEET THE ELEMENTS OF SUBSECTION (5)(A)(i).

~~(iii) Companion animal hoarding does not constitute aggravated animal cruelty as provided in 45-8-217.~~

(b) "Companion animal or household pet" means a domesticated cat, dog, bird, ferret, rabbit, or other domesticated animal normally maintained in the residence or on the property of the owner or person who cares for the domesticated animal."

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